

Medical - 4

9 August 1956

MEMORANDUM FOR THE RECORD

SUBJECT: Commitment of Insane Persons - Virginia

- Code Section 37-61 The Judge on personal suspicion of insanity or on written complaint and information "of any respectable citizen" shall issue a warrant for personal appearance of the individual before him.
- Code Section 37-62 The Judge together with two "licensed and reputable physicians" (one of whom should preferably be the physician of the suspected person, but neither of whom are related or have an interest in his estate) constitute the Lunacy Commission with power to summon witnesses.
- Code Section 37-66 The report of the Commission consists of the warrant of arrest, application therefor, interrogatories with answers, medical certificate and the order of commitment.
- Code Section 37-70 That part of the record consisting of interrogatories and answers containing the details of the patient's medical history are not filed in the Clerk's Office but are transmitted directly to the Superintendent of the hospital concerned.
- Code Section 37-73 A person adjudged insane can be transferred to a VA facility upon receipt of a certificate of eligibility of such organization.

- Section 37-99 The Judge may commit for observation upon written request "of any respectable citizen" accompanied by certification of a physician (who if practicable is that of the family).
- Section 37-100 Such commitment extends only for 45 days unless application is voluntarily made for further care.
- Section 37-102 Any person so committed may be adjudged insane by the Judge upon "the duly sworn certificate" of the Superintendent of a State hospital and one or more of his physicians.
- Section 37-103 The Superintendent of any State hospital may receive and detain temporarily any person whose case is certified by two licensed and reputable physicians neither of whom have any relationship to the individual by either blood, marriage or interest, where such confinement is found to be necessary after examination for the safety and benefit of the individual, and upon the written petition by some responsible person or persons.
- Section 37-106 Such detention is limited to 30 days.
- Section 37-109 If during the period of such detention the Superintendent of the hospital determines that the individual is insane, he will notify the appropriate Judge.
- Section 37-110 If the Judge is satisfied that the proceedings are in order, he will execute the necessary commitment.
- Section 37-113 The Superintendent of any State hospital may receive and detain any individual as a patient (who is a legal resident of the State) who voluntarily - or by another in his behalf - desires such commitment.
- Section 37-126 If a Lunacy Commission reaches a finding of insanity, the Judge, upon request of the individual's friends, may commit the patient to a private sanitarium until removed by such friends or discharged by the physician in charge. In this event, the State government or any of its component parts will not be liable in any respect for the expenses incurred.

8 February 1957

Insane Persons, D. C.

Code Citation

- 21-306 Proceedings on petition of D. C. Commissioners alleged insane with homicidal or otherwise dangerous tendencies on petition of D. C. Commissioners in D. C. equity court.
- 21-307 When the D. C. Commissioners are petitioners a jury shall be impaneled - if the subject is adjudged insane and has property the Court may appoint a committee or trustee.
- 21-308 Commission on Mental Health - (8 doctors and 1 lawyer) - lawyer, chairman, and two active physicians constitute Commission to serve the purposes. (Commission acts under direction of Equity Court) Court may appoint guardian ad litem.
- 21-310 Following persons may apply for writ de lunatico inquirendo and order commitment by filing a petition in D. C. District Court:
1. Person with whom subject resides;
 2. Father or mother, husband or wife, brother or sister, child of lawful age;
 3. Nearest relative or friend available;
 4. Committee of such person;
 5. Official of any charitable institution, home, or hospital in which such person may be;
 6. Any duly accredited officer or agent of the Board of Public Welfare;
 7. Any officer authorized to make arrests in D. C.
- Subject may on own written application place himself under examination and commitment in discretion of chief psychiatrist of Gallinger Hospital.

- 21-311 Petition must be accompanied by affidavits of two or more responsible D. C. residents attesting their belief and need for medical attention; the court may then issue an attachment for immediate apprehension and detention, for preliminary examination, in Saint Elizabeth's for a period not over 30 days (unless of course found to be sane). Examination at St. Elizabeth's within 5 days of admission. Persons under treatment at Gallinger may be transferred to St. Elizabeth's by petition from chief psychiatrist of Gallinger. Persons arrested under 21-326-331 to be detained in Gallinger pending filing of petition (310) within 48 hours. Court order then authorizes continued detention in St. Elizabeth's for 30 days. On filing of petition court refers matter to Commission within 7 days (which may be extended). After examination if Commission determines person insane then it applies to court for hearing requiring 5 days' written notice to interested parties. The subject is permitted representation by an attorney.
- 21-312 Jury trial may be demanded.
- 21-314 If jury trial not demanded, Judge determines sanity of subject requiring, as he pleases, other proof in addition to the petition and Commission report - or may order temporary commitment for further observation not to exceed 30 days.
- 21-315 Judge shall commit after trial.
- 21-316 Varying recommendations that can be made by Commission.
- 21-318 Commission determines liability of relatives for cost.
- 21-320 Subject paroled from hospital for 6 months or longer has right to petition for redetermination of status.
- 21-324 Any person executing petition or affidavit without probable cause or physician knowingly making false certificate or affidavit shall be fined maximum of \$500 or imprisoned not more than three years, or both.

- 21-326 Any D. C. police officer can arrest without warrant any insane person found in public areas including buildings - officer must immediately file affidavit asserting belief of insanity endangering general public - superintendent must notify nearest relative immediately.
- 21-327 Similar arrest in other areas on affidavit by two responsible D. C. residents asserting belief of insanity and possible danger to general public. However, superintendent shall also require certificate of minimum two physicians.
- 21-328 D. C. Commissioners can order temporary detention (not over 30 days) of certain persons in St. Elizabeth's pending formal commitment.
- 21-329 D. C. Commissioners may order temporary commitment for similar period in other places approved by D. C. Health officer. (Discharge can be obtained during temporary commitment at any time by affidavit of minimum 2 physicians in regular attendance and certain other persons.
- 21-331 Person making false affidavit subject to maximum fine of \$500 or imprisonment three years or both.
- 21-332 Persons may be released on bond.
- 32-417 U.S. Commissioner specially designated by U.S. District Court (Eastern District of Virginia or District of Maryland) may commit to St. Elizabeth's for observation and diagnosis for persons found in area immediately adjacent to Washington, D. C. in Virginia and Maryland. Same for D. C. where person temporarily detained in St. Elizabeth's. Commitment not over 30 days, after hearing before Commissioner, sworn testimony two witnesses, believing person of unsound mind, and sworn testimony or affidavit two physicians (one a psychiatrist) who will testify or certify examination subject who should be in their opinion restrained. Immediate notification of nearest relative.

- 32-417a Certain officers of U. S. authorized to apprehend persons believed of unsound mind. If immediate hearing before a Commissioner not possible can be detained at St. Elizabeth's for not over 72 hours.
- 32-417b Person may be admitted to St. Elizabeth's for not over 30 days on own written application. Must be released within 72 hours at own request unless insanity adjudication proceedings have been begun.
- 32-417e Person belonging to armed services (including Coast Guard) shall be transferred to custody of such Department at request of its head.

Committee on Mental Health

Chairman and Law Member - Thomas Gillespie Walsh
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